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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,140	01/18/2000	Jim Beck III	00EC004/77529	9326

7590                    03/14/2003

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[REDACTED] EXAMINER

OPSASNICK, MICHAEL N

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2655

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/484,140	BECK, JIM	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael N. Opsasnick	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 January 2000.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennig et al (5479488) in view of Gillick et al (6029124).

As per claims 1,7,13,14,19,20, Lennig et al (5479488) teaches an automatic call distributor comprising detecting a call (col. 4 line 13 – col. 5 line 14), sampling an audio portion of the call (col. 6 lines 19-43), fitting a plurality of audio templates to the sampled portion of the call (as comparing and calculating probabilities in the comparison process - - figs 3a,3b; col. 6 lines 35-42, col. 8 line 10 – col. 10 line 35). Lennig et al (5479488) teaches language determination during the call processing (col. 6 lines 1-18, Fig. 3a, subblocks 302-308); however, the language selection technique taught in Lennig et al (5479488) is determined by customer selection, and not based on speech recognition. However, Gillick et al (6029124) teaches a language selection technique based upon recognized input speech (col. 19 lines 30-41). Therefore, it would have been obvious to one of ordinary skill in the art of language selection to modify the teachings of Lennig et al with automated speech recognized based language selection because it would advantageously provide an improved performance in the automated recognition aspect of the system (Gillick, col. 7 lines 36-52).

As per claims 2,8, Gillick teaches audio language templates (col. 7 lines 40-49)

As per claims 3,9, Lennig et al (5479488) teaches routing the call based on language of the call (Fig. 3a, subblock 303,304)

As per claims 4,10, Lennig et al (5479488) teaches operator agent selection (fig. 3b, subblocks 322-324)

As per claims 5,11, Lennig et al (5479488) teaches default branching to the operator when language and recognition is not clarified (fig. 3b, subblocks 322,324)

As per claims 6,12, Gillick teaches multiple language stored samples (col. 19 lines 35-40).

As per claims 15,21, Lennig et al teaches recognizing the user as a repeat customer and accessing information about the repeat user (col. 4 lines 47-49, wherein the stored information about a customer implies a repeat user, ani – col. 5 lines 10-14, and the language (col. 5 lines 5-10)).

As per claims 16, 22, Lennig et al teaches storing an associated name of the user (col. 4 lines 45-50, referring back to col. 3 lines 49-53).

As per claims 17,23, Lennig et al teaches marketing information with the customer (col. 4 lines 56-60 -- lennig teaches billing data, which monitors usage and sales numbers -- which is component of marketing data).

As per claims 18,24, Lennig et al teaches determining based on localities (col. 10 line 63 – col. 11 line 4).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-892 form.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mno

3/1/03

*Doris H. Tu*  
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317/03